

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BRIAN PIERCE,** :  
:  
**Plaintiff,** :  
:  
**v.** : **Civil Action No. 03-173E**  
: **Judge Sean J. McLaughlin**  
**PENNSYLVANIA DEPARTMENT OF** : **Magistrate Judge Susan Paradise Baxter**  
**CORRECTIONS,** :  
:  
**Defendant.** :

**MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the defendant, Pennsylvania Department of Corrections, by attorneys, Thomas W. Corbett Jr., Attorney General, Craig E. Maravich, Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and files the following:

Defendants move for summary judgment based on the pleadings, depositions, answer to interrogatories, submissions, admissions on file, affidavits, or other declarations under penalty of law and other evidence which show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

**CONCLUSION**

WHEREFORE, it is respectfully requested the be granted.

Respectfully submitted,

THOMAS W. CORBETT JR.  
Attorney General

By: /s/ Craig E. Maravich  
CRAIG E. MARAVICH  
Deputy Attorney General  
Attorney I.D. No. 86219

Susan J. Forney  
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Date: August 9, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2005, I electronically filed the foregoing ***Motion for Summary Judgment*** with the Clerk of Court using the CM/ECF system. And I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

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